

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE TRUSTEES OF
PURDUE UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS N.V.,
STMICROELECTRONICS
INTERNATIONAL N.V., and
STMICROELECTRONICS, INC.,

Defendants.

Civil Action No. 6:21-cv-00727-ADA

JURY TRIAL DEMAND

DEFENDANTS' SUPPLEMENT TO CASE READINESS STATUS REPORT

Since the Parties jointly filed their Case Readiness Status Report (“CRSR”) (Dkt. No. 25) on October 18, 2021, Purdue has significantly altered the status of this case. Accordingly, Defendants STMicroelectronics, Inc. and STMicroelectronics N.V. (“Defendants”) hereby provide the following supplement to the recently-filed CRSR.

Further, Defendants believe an actual Zoom CMC—as opposed to a “deemed” CMC—may be helpful in this case. Defendants ask the Court to move it back two weeks from its current “deemed” date of November 1, 2021, to give the parties time to meet and confer about the recent developments and inform the Court about any issues that need resolution *pre-Markman*. The recent developments are set forth below.

On October 14, 2021 the Parties had a meet-and-confer regarding the CRSR and to discuss the content for the CRSR and any issues to be raised *pre-Markman*. In the CRSR filed on October 18, the Parties stated that “Plaintiff has asserted two patents and a total of two claims.” *Id.* at 2. At that time, the only named Defendants were STMicroelectronics, Inc. and STMicroelectronics N.V.

Without consulting Defendants, and only five business days after filing the CRSR, Purdue filed its First Amended Complaint (“FAC”) on October 25. The FAC makes substantial changes to Purdue’s allegations in this case. About 80% of the paragraphs in Purdue’s FAC were not present in, or were altered from, the original complaint. In its FAC, Purdue now accuses an entirely new (and foreign) legal entity—STMicroelectronics International N.V.—of allegedly infringing the two asserted patents. Further, Purdue now asserts five additional claims (including one independent claim) from one of these patents against the Defendants, as well as this newly added legal entity. Additionally, Plaintiff’s FAC seems to have altered some of Plaintiff’s infringement theories, as confirmed by the infringement contentions served on the same day as the FAC.

RESPONSE TO THE COMPLAINT

Neither the Defendants nor STMicroelectronics International N.V. have responded to Purdue’s FAC. According to the Court’s docket, Purdue has not filed any proof of service on STMicroelectronics International N.V., and the Court has not authorized alternative service of process on STMicroelectronics International N.V.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff asserts two patents and a total of seven claims. The asserted patents are U.S. Patent Nos. 7,498,633 and 8,035,112.

MEET AND CONFER STATUS

Defendants plan to meet and confer with Purdue regarding how Purdue’s new allegations, including against an entirely new and not yet served legal entity, impacts the Parties’ respective positions and this case’s readiness status.

Dated: October 28, 2021

/s/ Justin S. Cohen

Bruce S. Sostek (SBN 18855700)

Richard L. Wynne, Jr. (SBN 24003214)

Justin S. Cohen (SBN 24078356)

Nadia E. Haghighatian (SBN 24087652)

HOLLAND & KNIGHT LLP

One Arts Plaza

1722 Routh St., Suite 1500

Dallas, Texas 75201

Telephone: (214) 969-1386

Bruce.Sostek@hklaw.com

Richard.Wynne@hklaw.com

Justin.Cohen@hklaw.com

Nadia.Haghighatian@hklaw.com

***COUNSEL FOR DEFENDANTS
STMICROELECTRONICS N.V. AND
STMICROELECTRONICS, INC.***

CERTIFICATE OF SERVICE

In accordance with Federal Rule of Civil Procedure 5 and Local Rule CV-5, I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system on October 28, 2021.

/s/ Justin S. Cohen